

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-1979

HOWARD HESS DENTAL LABORATORIES INCORPORATED;
PHILIP GUTTIEREZ, *d/b/a Dentures Plus, on behalf
of themselves and all other similarly situated,
Appellants

v.

DENTSPLY INTERNATIONAL, INC.

*Amended per Clerk's Order dated 4/30/04

No. 04-1980

JERSEY DENTAL LABORATORIES, f/k/a Howard Hess Dental
Laboratories Incorporated; PHILIP GUTTIEREZ, *d/b/a
Dentures Plus, on behalf of themselves and all others
similarly situated,
Appellants

v.

DENTSPLY INTERNATIONAL, INC.; A. LEVENTHAL & SONS, INC.;
ACCUBITE DENTAL LAB, INC.; ADDIUM DENTAL PRODUCTS;
ARNOLD DENTAL SUPPLY COMPANY;
ATLANTA DENTAL SUPPLY COMPANY;
BENCO DENTAL COMPANY; BURKHART DENTAL SUPPLY COMPANY;
DARBY DENTAL LABORATORY SUPPLY CO., INC.; DENTAL SUPPLIES
AND EQUIPMENT, INC.; EDENTALDIRECT.COM, INC., as successor to
Crutcher Dental, Inc.; HENDON DENTAL SUPPLY, INC.;
HENRY SCHEIN, INC., and its affiliates including, without
limitation, Zahn Dental Co., Inc.; IOWA DENTAL SUPPLY CO.;
JAHN DENTAL SUPPLY COMPANY; JB DENTAL SUPPLY CO., INC.;
JOHNSON & LUND CO., INC.; KENTUCKY DENTAL SUPPLY COMPANY, INC.

a/k/a KDSC Liquidation Corp.; MARCUS DENTAL SUPPLY CO;
MIDWAY DENTAL SUPPLY INC.; MOHAWK DENTAL CO., INC.; NASHVILLE
DENTAL, INC.; NOWAK DENTAL SUPPLIES, INC.; PATTERSON DENTAL
COMPANY, its subsidiaries, predecessors, successors, assigns,
affiliates and related companies; PEARSON DENTAL SUPPLIES, INC.;
RYKER DENTAL OF KENTUCKY, INC.; THOMPSON DENTAL COMPANY

*Amended per Clerk's Order dated 4/30/04

On Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action Nos. 99-cv-00255 / 01-cv-00267)
District Judge: Honorable Sue L. Robinson

Argued April 7, 2005

Before: BARRY, AMBRO and GREENBERG, Circuit Judges

JUDGMENT

These causes came on to be heard on the record before the United States District Court for the District of Delaware and were argued on April 7, 2005.

On consideration whereof, IT IS ORDERED AND ADJUDGED by this Court that (1) the order of the District Court dated March 30, 2001, is hereby affirmed, with costs taxed against Appellants; (2) the order of the District Court dated December 19, 2001, is hereby affirmed in part and reversed in part and remanded, each party to pay its own costs; and (3) the order of the District Court dated August 27, 2002, is hereby affirmed in part and reversed in part and remanded, each party to pay its own costs. All of the above in accordance with the opinion of this Court.

ATTEST:

Marcia M. Waldron

Clerk

Dated: September 21, 2005

Certified as a true copy and issued in lieu
of a formal mandate on 10/13/05

Marcia M. Waldron

Teste:
Clerk, U.S. Court of Appeals for the Third Circuit